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JAMES H. McKENNEY,

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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

Nos. 453 to 475.

JOHN M. SLOAN, ET AL., Appellants,

vs.

THE UNITED STATES, ET AL.

Appeals from the Circuit Court of the United States for the District of Nebraska.

MOTION TO DISMISS.

Now come the defendants in each of the above causes and move the court to dismiss the appeals in the above entitled causes, respectively, for the following reasons, to-wit:

1. That this court has no jurisdiction of the said appeals.

2. That none of the said appeals fall within any of the provisions of section 5, of the act of March 3, 1891.

3. That the plaintiffs sued out their respective appeals to this court on the theory that the said actions involved the validity or construction of certain treaties between the United States and the Omaha tribe of Indians: *Whereas*, the said several actions are by the respective plaintiffs, claiming the right to an allotment of lands on the Omaha Indian Reservation under the

provisions of section 5, of an act of August 7, 1882. (22 U. S., 341.)

The right of the respective plaintiffs to said allotments depends upon questions of fact, to-wit: Whether they were respectively members of the Omaha tribe of Indians and residing on said reservation at the time when said act of 1882 was passed. That said respective complainants are not asserting any right under nor claiming any right to an allotment under and by virtue of any treaty.

Jno. L. Webster

Solicitor for Defendants.